

SENATE BILL REPORT

SHB 1200

As of March 15, 2013

Title: An act relating to labeling of seafood.

Brief Description: Concerning the labeling of seafood.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Wilcox, Takko, Lytton, Klippert, Van De Wege, Nealey, Stanford, Short and Smith).

Brief History: Passed House: 2/18/13, 96-0.

Committee Activity: Natural Resources & Parks: 3/14/13.

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Staff: Curt Gavigan (786-7437)

Background: Although there are approximately 1700 types of seafood on the market, very few standardized labeling requirements exist relating to seafood. The health benefits of eating seafood can vary greatly depending on the species of fish. Common fish names may also be used for several species of fish. For example, the term halibut is generally thought to describe *Hippoglossus hippoglossus* (Atlantic halibut) or *Hippoglossus stenolepis* (Pacific halibut).

Current federal regulations require retailers to notify customers with information regarding the source of seafood, including whether the fish was wild or farmed. State law requires salmon sold in the state to be identified by its species name and indicate whether it was farmed or commercially caught. It is unlawful to knowingly label fish designated as halibut without additional descriptive words, unless the food fish product is Atlantic halibut or Pacific halibut. Further, it is generally unlawful to misbrand a food for which a definition and standard of identity has been prescribed by regulation.

A person who knowingly misbrands food as provided in law is guilty of a misdemeanor and subject to a fine of not more than \$200 for a first offense and \$500 or imprisonment for up to 30 days for a subsequent offense. The Department of Agriculture (AGR) must develop a pamphlet describing seafood labeling requirements and provide copies to the Department of Fish and Wildlife (DFW) for distribution to seafood retailers.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: It is unlawful to knowingly sell or offer to sell at wholesale or retail any fresh, frozen, or processed food fish or shellfish without identifying for the buyer the species of food fish or shellfish by its common name. The common names for salmon species are provided in statute. The common names for all other food fish and shellfish are provided in rule by the Director of AGR (the director) or provided in the United State's Food and Drug Administration seafood list. The use of descriptive language or a trade name beyond the common name is not prohibited. Food fish and shellfish are defined.

It is unlawful to knowingly sell or offer to sell at wholesale or retail any fresh, frozen, or processed salmon without identifying the salmon as farm-raised, private sector cultured aquatic, or commercially caught.

The director, in consultation with DFW, may adopt rules as necessary to establish reasonable definitions and identification standards for species of food fish and shellfish that are sold for human consumption and provide procedures for enforcing food fish and shellfish labeling requirements and misbranding prohibitions.

A person is guilty of unlawful misbranding of food fish or shellfish in the third degree if the person misbrands food fish or shellfish with a fair market value of less than \$500; the person is guilty of misbranding in the second degree if the fair market value of the food fish or shellfish is less than \$5,000 but at least \$500; and the person is guilty of misbranding in the first degree if the fair market value of the food fish or shellfish is at least \$5,000. A first degree violation is ranked at seriousness level III.

AGR may develop a pamphlet describing the labeling requirements for seafood and provide the pamphlet to DFW and holders of any license associated with buying or selling fish or shellfish via the web.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill addresses an important issue of consumer fraud through seafood mislabeling and applies more meaningful punishment to those that break the law. This bill has broad support from consumers and the industry.

Persons Testifying: PRO: Michael Cenci, DFW Police.